

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to wild-harvested mushrooms

The Inspections and Appeals Department hereby amends Chapter 30, “Food and Consumer Safety,” and Chapter 31, “Food Establishment and Food Processing Plant Inspections,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 10A.104 and 137F.2(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 10A.104 and 137F.2(1).

Purpose and Summary

These amendments modify exceptions to the Food Code issued by the U.S. Food and Drug Administration (FDA) that relate to wild-harvested mushrooms. These amendments add definitions for “certified wild-harvested mushroom identification expert” and “cultivated mushroom” and revise the definition of “wild-harvested mushroom.” These amendments also revise exceptions to the Food Code that relate to wild-harvested mushrooms to provide greater diversity of the wild-harvested mushroom species permitted to be sold and to update the certification course requirements to provide reciprocity to certifications obtained in other states.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 16, 2021, as **ARC 5701C**. No public comments were received. A change from the Notice has been made to correct the spelling of mushroom names in the table in Item 3.

Adoption of Rule Making

This rule making was adopted by the Department on July 21, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 15, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule **481—30.2(10A,137C,137D,137F)**, definition of “Wild-harvested mushroom,” as follows:

“*Wild-harvested mushroom*” means a fresh mushroom that has been ~~picked in the wild~~ found or foraged in the natural environment and has not been processed (e.g., dried or frozen). “Wild-harvested mushroom” does not include cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.

ITEM 2. Adopt the following **new** definitions of “Certified wild-harvested mushroom identification expert” and “Cultivated mushroom” in rule **481—30.2(10A,137C,137D,137F)**:

“*Certified wild-harvested mushroom identification expert*” means an individual who has within the last three years successfully completed a wild-harvested mushroom identification training program provided by an accredited college, university, or state mycological society. The training program must include a component of actual identification of physical specimens or simulations of mushroom species. A document must be issued by an accredited college, accredited university, or state mycological society certifying the individual’s successful completion of the wild-harvested mushroom identification training program and specifying the species of wild mushrooms the individual is qualified to identify.

“*Cultivated mushroom*” means a mushroom grown through a process in which the grower inoculates a substrate (logs, beds, straw, etc.) with a known strain or species of mushroom spawn in a dedicated space, whether outdoors or indoors, that is under the control of the grower, for the purpose of fruiting mushrooms.

ITEM 3. Rescind subrule 31.1(4) and adopt the following **new** subrule in lieu thereof:

31.1(4) *Wild-harvested mushrooms.* Section 3-201.16, paragraph (A), is amended by adding the following:

“A food establishment or farmers market time/temperature control for safety food licensee may sell or serve wild-harvested mushrooms provided:

“a. All wild-harvested mushrooms sold or served are varieties classified as one of the following:

Common name	Scientific name
Morel	<i>Morchella</i> spp. (<i>M. americana</i> , <i>M. angusticeps</i> , <i>M. punctipes</i>)
Oyster	<i>Pleurotus citrinopileatus</i> , <i>Pleurotus ostreatus</i> , <i>Pleurotus populinus</i> , or <i>Pleurotus pulmonarius</i>
Chicken of the woods	<i>Laetiporus</i> (<i>L. cincinnatus</i> , <i>L. sulphureus</i>)
Hen of the woods	<i>Grifola frondosa</i>
Chanterelle	<i>Cantharellus cibarius</i> group
Bear’s head tooth, Lion’s mane	<i>Hericium</i> spp. (<i>H. erinaceus</i> , <i>H. americanum</i>)
Pheasant back	<i>Polyporus squamosus</i>
Black trumpet	<i>Craterellus cornucopoides</i>

“b. All wild-harvested mushrooms sold or served in a food establishment must be obtained from sources where each mushroom is individually inspected and found to be safe by a certified wild-harvested mushroom identification expert.

“c. All wild-harvested mushroom species sold or served in a food establishment must have a written buyer specification. The buyer shall retain the written buyer specification for 90 days from the date of sale or service. The written buyer specification must include all of the following information:

- “1. Identification of each mushroom species by the scientific and common name;
 - “2. Date of purchase;
 - “3. Quantity by weight of each species received;
 - “4. A statement indicating that each mushroom was identified in its fresh state and was not mixed or in contact with other mushroom species;
 - “5. The name, address, and telephone number of the certified wild-harvested mushroom identification expert; and
 - “6. A copy of the certified wild-harvested mushroom identification expert’s certificate of successful completion of the program, including the date of completion.
- “d. A consumer advisory shall inform consumers by brochures, deli case, menu advisories, label statements, table tents, placards, or other effective written means that ‘wild-harvested mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.’
- “e. This section does not apply to cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.”

[Filed 7/21/21, effective 9/15/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/21.